

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANDREW COPELAND and LEILA
COPELAND, husband and wife, and the marital
community composed thereof,

Plaintiffs,

v.

MARYLAND CASUALTY COMPANY, a
foreign corporation,

Defendant.

CASE NO. C04-1725RSM

ORDER ON MOTION TO QUASH

This matter is before the Court on a non-party's motion to quash a subpoena duces tecum issued by defendant. The Court has reviewed the motion and response, and finds that the subpoena for telephone records issued to law firm Gulliford, McGaughey, and Dunlap, PLLC ("Gulliford"), and attorney Leonard Flanagan, was overly burdensome and not clearly directed toward a proper purpose. However, it is not necessary to quash the subpoena as it was withdrawn by defendant after the motion to quash was filed. Gulliford's assertion that the Court should nevertheless rule on the motion because the subpoena may be reissued is purely speculative. Accordingly, the motion to quash (Dkt. # 11) is STRICKEN as moot.

The mooting of the motion does not, however, moot the non-party's request for sanctions. The filing of the motion to quash was justified, in light of defendant's April 5, 2005 letter response to Gulliford's April 4, 2005 letter of objection. Counsel for non-party Gulliford was not notified of the

1 withdrawal of the subpoena until after the motion to quash was filed on April 7, 2005. In light of these
2 facts and the Court's finding that the subpoena was overly burdensome, the non-party's request for
3 sanctions is GRANTED IN PART. Pursuant to Fed.R.Civ P. 45(c)(1), Gulliford is awarded the sum of
4 \$1850, representing attorney's fees for the claimed ten hours of time reasonably spent on the motion to
5 quash and associated documents.

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7 DATED this 25 day of April, 2005.

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10 RICARDO S. MARTINEZ
11 UNITED STATES DISTRICT JUDGE
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